

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: January 15, 2004
	)	
Kenneth H. King	)	DOCKET NO.: 03F-225
Division Chief, Case Management	)	
MRDDA	)	
Department of Human Services	)	
825 Capitol Square Place, SE	)	
Washington, DC 20024	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Kenneth H. King, Division Chief, Case Management, MRDDA, Department of Human Services, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 17, 2003, OCF ordered Kenneth H. King (hereinafter respondent), to appear at a scheduled hearing on December 1, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On December 1, 2003, the respondent appeared at the scheduled hearing and testified that received a notice from OCF but did not open it because he believed it was a solicitation for funds. Respondent stated that he was not advised by his agency of a filing requirement with OCF. Respondent further stated that the Confidential Statement of Employment and Financial Interests (Form 35) was the only financial disclosure form of which he was aware, and that it was filed with his agency on May 13, 2003. Respondent

is a member of the Management Supervisory Service. Respondent filed a fully executed Financial Disclosure Statement at the conclusion of the hearing.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service (MSS).
2. Respondent was required to file a Confidential Statement of Employment and Financial Interests (Form 35) with his agency on or before May 15, 2003.
3. Respondent filed Form 35 with his agency on May 13, 2003.
4. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
5. Respondent filed the required Financial Disclosure Statement on July 9, 2003.
6. Respondent is a first-time FDS required filer.
7. Respondent provided a credible explanation for the filing delinquency in that he believed his agency failed to inform him of the requirement to file a Financial Disclosure Statement with OCF, and that he confused the requirement to file a Form 35 with OCF's Financial Disclosure Statement.
8. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.

**IN THE MATTER OF: Kenneth H. King**  
**Page 3**

4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's filing of the required FDS, albeit delinquent, mitigates toward the imposition of a reduced fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

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**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.